

# Exhibit A

**Texas v. Biden Monthly Report**  
**Reporting Period: May 1, 2022 – May 31, 2022**

**(1) The total monthly number of encounters<sup>1</sup> at the southwest border (SWB);**

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions<sup>2</sup> between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles<sup>3</sup> at land ports of entry along the SWB, and Title 42 Expulsions<sup>4</sup> at and between the ports of entry along the SWB.

<b>May 2022 as of June 3, 2022</b>	<b>Title 42</b>	<b>Title 8</b>	<b>Total Encounters</b>
<b>Office of Field Operations</b>	<b>2,171</b>	<b>14,589</b>	<b>16,760</b>
El Paso Field Office	185	1,477	1,662
Laredo Field Office	952	6,057	7,009
San Diego Field Office	785	6,216	7,001
Tucson Field Office	249	839	1,088
<b>U.S. Border Patrol</b>	<b>98,528</b>	<b>124,128</b>	<b>222,656</b>
Big Bend Sector	1,815	995	2,810
Del Rio Sector	14,408	29,980	44,388
El Centro Sector	3,410	3,586	6,996
El Paso Sector	19,078	15,560	34,638
Laredo Sector	10,923	734	11,657
Rio Grande Valley Sector	17,730	28,179	45,909
San Diego Sector	10,920	6,089	17,009
Tucson Sector	19,068	6,855	25,923
Yuma Sector	1,176	32,150	33,326
<b>Grand Total</b>	<b>100,699</b>	<b>138,717</b>	<b>239,416</b>

<sup>1</sup> The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

<sup>2</sup> Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

<sup>3</sup> Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

<sup>4</sup> Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- *Title 42 expulsions at and between the ports of entry along the SWB*<sup>5</sup>

May 2022 as of June 3, 2022	Title 42
<b>Office of Field Operations</b>	<b>2,171</b>
El Paso Field Office	185
Laredo Field Office	952
San Diego Field Office	785
Tucson Field Office	249
<b>U.S. Border Patrol</b>	<b>98,528</b>
Big Bend Sector	1,815
Del Rio Sector	14,408
El Centro Sector	3,410
El Paso Sector	19,078
Laredo Sector	10,923
Rio Grande Valley Sector	17,730
San Diego Sector	10,920
Tucson Sector	19,068
Yuma Sector	1,176
<b>Grand Total</b>	<b>100,699</b>

- *Southwest Land Border Removals/Returns under Title 8, based on encounter date*<sup>6</sup>

Total Removals and Returns Under Title 8	May 2022
<b>U.S. Border Patrol</b>	<b>11,868</b>
Bag and Baggage <sup>7</sup>	59
Voluntary Return <sup>8</sup>	2,462
Expedited Removal	5,455
Reinstatement of Removal	2,432
Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C)	1,460
<b>Office of Field Operations</b>	<b>1,887</b>
Bag and Baggage	9
Voluntary Return	69
Expedited Removal	530
Reinstatement of Removal	3
Withdrawal of Application for Admission	1,276
Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C)	
<b>Grand Total</b>	<b>13,755</b>

<sup>5</sup> Same as Title 42 expulsion data provided in response to 1 above.

<sup>6</sup> Indicates that the noncitizen was encountered during the reporting period (May 1, 2022 – May 31, 2022).

<sup>7</sup> When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

<sup>8</sup> Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

**(3) Defendants' total detention capacity as well as current usage rates;***OFO Holding Capacity – Southwest Border in Custody<sup>9</sup>*

<b>Detention Capacity</b>	<b>May 2022</b>
935	330 (35.3%) <sup>10</sup>

*USBP Average Daily Subjects In Custody by Southwest Border Sector<sup>11</sup>*

<b>USBP Sector</b>	<b>May 2022</b>
<b>Big Bend</b>	36
<b>Del Rio</b>	1,262
<b>El Centro</b>	456
<b>El Paso</b>	2,523
<b>Laredo</b>	1,156
<b>Rio Grande</b>	3,166
<b>San Diego</b>	785
<b>Tucson</b>	893
<b>Yuma</b>	2,622
<b>Total</b>	<b>12,899</b>

<sup>9</sup> Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

<sup>10</sup> Represents the average number of travelers in custody on a daily basis averaged over the number of days in the calendar month, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

<sup>11</sup> U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 5,600, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 230%, which is averaged over the number of days in the calendar month and includes all Southwest Border Sector locations.

(4) The total monthly number of “applicants for admission”<sup>12</sup> under Section 1225;

<b>May 2022 as of June 3, 2022</b>	<b>Title 8</b>
<b>Office of Field Operations</b>	<b>14,589</b>
El Paso Field Office	1,477
Laredo Field Office	6,057
San Diego Field Office	6,216
Tucson Field Office	839
<b>U.S. Border Patrol</b>	<b>124,128</b>
Big Bend Sector	995
Del Rio Sector	29,980
El Centro Sector	3,586
El Paso Sector	15,560
Laredo Sector	734
Rio Grande Valley Sector	28,179
San Diego Sector	6,089
Tucson Sector	6,855
Yuma Sector	32,150
<b>Grand Total</b>	<b>138,717</b>

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

<b>Southwest Border Paroles</b>	<b>May 2022</b>
<b>U.S. Border Patrol</b>	<b>51,132</b>
Parole Disposition	51,132
<b>Office of Field Operations</b>	<b>13,131</b>
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	12,232
Parole Disposition	899
<b>Grand Total</b>	<b>64,263</b>

<sup>12</sup> An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”<sup>13</sup>

<b>Southwest Border Releases</b>	<b>May 2022</b>
<b>U.S. Border Patrol Total</b>	<b>72,241</b>
Notice To Report	
Notice to Appear - Order of Release on Recognizance	21,109
Parole Disposition	51,132
<b>Office of Field Operations Total</b>	<b>13,131</b>
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	12,232
Parole Disposition	899
<b>Grand Total</b>	<b>85,372</b>

<sup>13</sup> All numbers in reporting requirement 6 are “based on encounter date,” as defined above.